

In the Matter of )  
 )  
STATE OF NEW YORK )  
 ) WT Docket No. 06-18  
Request for Waiver of Section 90.545 )  
Regarding 700 MHz Public Safety System )  
Interference Protection for Co-Channel and )  
Adjacent-Channel Television Stations )

The State of New York (“State”) hereby submits the following comments in response to the Commission’s *Public Notice*, DA 06-99, released January 26, 2006, seeking comments on the State’s above-captioned Request for Waiver.<sup>1</sup>

<sup>1</sup> On or about February 9, 2006, the State sent a letter to each of the television stations identified in the Request for Waiver and indicated the State's willingness to meet and discuss the details of the Request. The State received responses from three stations (WFUT, WMBC, and WFMZ) and has met by telephone or in person with each.

<sup>2</sup> See *Public Notice*, footnote 5.

Therefore, the State would support consideration of its Request within the context of the Qualcomm petition *only* if that would speed a favorable outcome. To the extent such a process could delay a Commission decision, the State would vigorously oppose it and urge separate and expeditious consideration of its Request for Waiver pursuant to Section 1.925 of the Commission's rules.

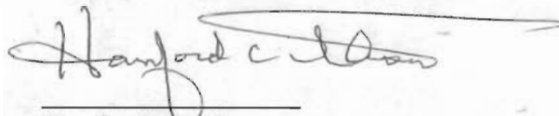
The Commission's *Public Notice* also seeks comment "on whether any waiver granted to New York should be conditioned on a commitment to correct any reported interference to TV or DTV reception, or if there are specific restrictions that we should otherwise impose to minimize such interference." The State is not opposed to a requirement that it make reasonable efforts to correct documented interference to TV or DTV reception clearly caused by its public safety operations. However, the State should not be required to respond to or solve every viewer's claim of interference, regardless of cause. There are any number of potential sources of "interference" in urban areas such as New York, and the State has neither the time nor the resources to address problems beyond its control. The State also notes that any interference that might occur to reception of channel 69 or channel 68 would be from mobile units and, therefore, extremely intermittent.

The State is not aware of any "specific restrictive conditions" to minimize interference that would be appropriate. The State reserves the right to address any such proposed conditions in its reply comments.<sup>3</sup>

---

<sup>3</sup> Per discussions with Commission staff, the State is today filing a brief supplement to provide additional analysis of the interference potential to WFUT. As indicated therein, the additional analysis demonstrates even less potential for interference.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Hanford C. Thomas", with a long horizontal flourish extending to the right.

---

Hanford C. Thomas  
Deputy Director  
NYS Office for Technology  
State Capitol, ESP  
P.O. Box 2062  
Albany, New York 12220-0062

March 13, 2006